

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARTHA BERNDT, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

NO. C03-3174 TEH

ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS FOURTH CAUSE OF
ACTION

On May 24, 2004, Defendants filed a motion to dismiss the fourth cause of action from Plaintiffs' second amended complaint. Plaintiffs filed a statement of non-opposition to this motion on June 9, 2004. Accordingly, IT IS HEREBY ORDERED that Defendants' motion is GRANTED. Plaintiffs' fourth cause of action, for violation of 42 U.S.C. § 1985, is dismissed with prejudice.

IT IS SO ORDERED.

DATED 06/15/04

/s/
THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT